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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,856	08/09/2006	Kari Laitinen	060258-0356508	2019
7590 Barnes & Thornburg LLP Suite 900 750 17th Street, NW Washington, DC 20006-4675				
EXAMINER PATEL, VISHAL A				
ART UNIT		PAPER NUMBER		
3676				
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11/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,856

Applicant(s)

LAITINEN, KARI

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamasaki et al (US. 6,357,753).

Yamasaki discloses an arrangement in a mechanical shaft seal comprising a first sliding surface part (e.g. 35) rotating with a shaft (e.g. 2) in relation to a frame (e.g. 1), at least a second sliding surface part (e.g. 22) fastened to the frame or a separate frame part (e.g. 13) that is non-rotatable in relation thereto, the first sliding surface part and the second sliding surface part are provided with sliding surfaces pressed against one another, a first additional part (e.g. 40) arranged to connect the first sliding surface part to at least one of the shaft and a first insertion part (e.g. 39) fastened to the shaft and is configured to rotating therewith in order to transfer the rotating motion from the shaft to the first sliding surface part (intended use, the first insertion part is capable of being rotated), a second additional part (e.g. 21) is arranged to connect the second sliding surface part to the frame or at least to one second insertion part (e.g. 10) connected to the frame in order to prevent the rotation of the second sliding surface part in relation to the frame, at least one of the first additional part arranged to transfer the rotation torque of at least one of the shaft and the second additional part receiving torque is a super elastic memory metal element (e.g. 21 is made of super elastic memory metal which is titanium).

Furthermore it is noted that applicant has not defined any particular material in specification that is a super elastic memory metal element.

Regarding claims 2-9: All the first and second additional parts are memory metal elements (e.g. members are made of stainless steel or other alloys). All the first and second additional parts are pins (e.g. 24 and 45). All the first and second additional parts are threaded pins (e.g. 38). All of the first and second additional parts are plates (e.g. 40 and 21). All the first and second additional parts are rings (e.g. 40 and 21). The first and second additional parts are machining features of the first sliding surface part and second sliding surface part (end surfaces of the first and second sliding surface part, machining is a method limitation and given little patentable weight in an apparatus claim). The arrangement also comprises at least one spring (e.g. 9) which is arranged to press opposite sliding surfaces of the first sliding surface part and the second sliding surface part against one another. The second insertion part movably fastened in the longitudinal direction of the shaft to the frame, which is connected to the second sliding surface part that is non rotatable in relation to the frame and which is pressed using the spring against the second sliding surface part, the sliding surface thereof of the spring being further pressed against the sliding surface of the first sliding surface part that is rotatable in relation to the frame (figures).

Response to Arguments

3. Applicant's arguments filed 9/5/08 have been fully considered but they are not persuasive.

Applicants argument that Yamasaki does not disclose at least one of the first additional part arranged to transfer the rotation torque of the at least one of the shaft and the second

additional part receiving torque is a super elastic memory metal element is not persuasive because as explained above the metal members are super elastic memory metal element (e.g. titanium or alloys or stainless steel). Furthermore it is noted that applicant has not defined any particular material in specification that is a super elastic memory metal element.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./
Primary Examiner, Art Unit 3676

/Vishal Patel/
Primary Examiner, Art Unit 3676